
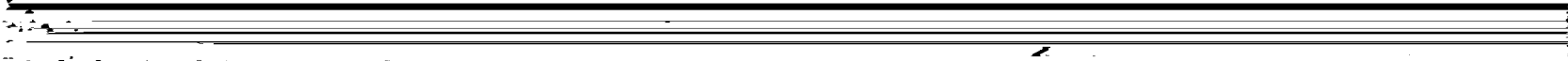





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some 20 years ago. Beacon's casual reliance upon an old cable television proceeding which apparently did not even entail TV Channel 6 measurements is totally inapposite. Notably, Beacon makes no use of the factors enumerated in §73.525 which do permit some adjustment of the proposed FM contour. Under all of these circumstances, the Commission may not accept Beacon's claims respecting TV Channel 6 field strength in the pertinent coverage areas.

2. Beacon candidly concedes that its application, as amended on June 10, 1991 did not cure all of the defects in its proposal as required by the Mass Media Bureau in its letter to Beacon of May 10, 1991. That letter specifically explained to



WHEREFORE, for the foregoing reasons and for the reasons set forth in its Petition to Deny, LVCBA respectfully urges that the Commission reject Beacon's application.

Respectfully submitted,

LEHIGH VALLEY COMMUNITY
BROADCASTERS ASSOCIATION

ENGINEERING STATEMENT
ON BEHALF OF
LEHIGH VALLEY COMMUNITY BROADCASTERS ASSOCIATION
APPLICANT FOR A NEW EDUCATIONAL FM STATION AT
ALLENTOWN, PENNSYLVANIA

IN SUPPORT OF A REPLY TO OPPOSITION TO PETITION TO DENY
FILED BY
BEACON BROADCASTING CORPORATION(FILE #BPED-900905ML)
AT ALLENTOWN PENNSYLVANIA

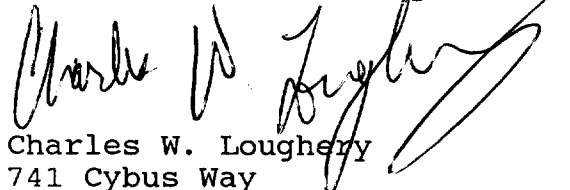
CHARLES W. LOUGHERY
741 CYBUS WAY
SOUTHAMPTON, PA 18966

DECLARATION

I, Charles W. Loughery, do declare under penalty of perjury that I have prepared the attached Engineering statement on behalf of Lehigh Valley Community Broadcasters Association in support of a petition to deny the application of Beacon Broadcasting Corporation for a new Educational FM at Allentown, Pa. and that all facts contained therein, except for facts of which the Federal Communications Commission may take official notice, are true and correct to the best of my knowledge and belief.

My qualifications are a matter of record with the Commission as I have prepared and filed documents as a technical consultant since 1979. Additionally, I hold a General Class Radio Telephone Operators License (since 1977)

Executed on: 8 January 1992

A handwritten signature in black ink, appearing to read "Charles W. Loughery", is written over the printed name and address.

Charles W. Loughery
741 Cybus Way
Southampton, Pa 18966

ENGINEERING STATEMENT

This Engineering Statement was prepared on behalf of Lehigh Valley Community Broadcasters Association, an applicant for construction permit for a new Educational FM station at Allentown, Pennsylvania, and is prepared in reply to an opposition to a petition to deny the application of Beacon Broadcasting Corporation for a construction permit for a new Educational FM station at Allentown, Pennsylvania. Beacon proposes operation on Channel 207 with an Effective Radiated Power of .135 Kilowatts at a height above average terrain of 245 meters.

In the petition to deny it was demonstrated that the application of Beacon does not conform to the rigid standards of 73.525 (TV Channel 6 Protection). The instant statement shows that the arguments made by Beacon in its opposition still fail to demonstrate compliance with 73.525.

Beacon in both its application and its opposition continues to rely on the argument that mere terrain blockage alone is sufficient to subtract such blocked or shadowed areas from the calculated interference area. It appears to argue that Section 73.313 of the rules may be used to adjust the TV Channel 6 contour. However, that section applies to FM stations only.

It also appears that Beacon is trying to adjust the TV Channel 6 contours based on a reference to the irrelevant issue of CATV carriage and related arguments from a 1970's case involving the (now stricken) Must Carry Rule. Beacon does not show how this case is relevant to the instant case.

Before adjusting its proposed FM contour Beacon would first have to demonstrate that the interference area does not receive a Grade B signal (47 DBu) or stronger from WPVI. Nowhere in its application or in the opposition does Beacon make such a showing. In fact Beacon, in Exhibit VB-7B of its application, clearly shows the interference area as being completely inside the Grade B contour of WPVI. Nowhere and at no time has Beacon attempted to show any adjustment to the Grade B contour. Further, no adjustment of the Grade B contour in the manner proposed by Beacon is permitted under 73.525, which does permit some adjustment to the FM contour based upon factors not used by Beacon.

Beacon makes reference to measurements made in the 1970's of the signal of KYW (Channel 3) and attempts to correlate the measurements to Channel 6. Beacon appears to argue that the Channel 6 signal strength in the pertinent area is less than 47

to make adjustments to the FM contours. Beacon has pointed this out in its reference to 73.525(e)(1)(iv) which refers the applicant to 73.313 in predicting the distance to FM contours.

73.313(e) provides some additional guidance to the applicant in the application of 73.525(e)(1)(vi) which permits adjustments to FM contours based on widely varying terrain when accompanied by a supplemental showing. Beacon attempts to use this rule to adjust its interference area on the basis of varying terrain with respect to the TV Channel 6 signal. Nowhere do the Commission rules or practices permit the mere occurrence of terrain shadowing or blockage to justify an adjustment to the TV contours

~~from affected my station or the FM interfering contours of the~~

so it would appear that any variation in terrain would not shadow any of the interference area from Beacon's proposed FM station.

It should be noted that if the methodology of Beacon in this matter were permitted, hundreds of educational FM proposals could be filed and presumably granted, which merely show terrain shading on blackouts to circumvent 672.505. In this regard

and not the FM signal. Beacon has failed to supply any calculations which would show the effect of such shadowing to the signal strength of Channel 6 or the proposed FM station, thus not

compliance with the proposed station contemplated in

CERTIFICATE OF SERVICE

I, Artie King, Secretary in the firm of Schwartz, Woods & Miller, certify that I have on this 13th day of January, 1992, sent by First Class United States mail, postage prepaid, copies of the foregoing **REPLY TO OPPOSITION TO PETITION TO DENY** to the following:

Dennis Williams *
Mass Media Bureau, Room 332
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

Jeffrey D. Southmayd, Esquire
Southmayd Simpson & Miller
1233-20th Street, NW
Second Floor
Washington, DC 20036



Artie King

* By Hand